

# ACT ON THE SAFETY MANAGEMENT OF GUNS, SWORDS, AND EXPLOSIVES

Act No. 12960, Jan. 6, 2015

Amended by Act No. 13215, Mar. 11, 2015

Act No. 13429, Jul. 24, 2015

Act No. 13425, Jul. 24, 2015

Act No. 14476, Dec. 27, 2016

Act No. 14621, Mar. 21, 2017

Act No. 14839, Jul. 26, 2017

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to contribute to the maintenance of public safety by preventing in advance any danger and accident likely to be caused by guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows by prescribing matters concerning the manufacture, sale, rent, transportation, possession, use, and safety management of guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows.

### Article 2 (Definitions)

(1) For the purpose of this Act, the term "gun" means a pistol, rifle, machine gun, cannon, hunting rifle, powder-charged gun that can fire metal bullets or gas, air gun (including one using gas; hereinafter the same shall apply), and parts thereof, such as a gun barrel, lock, etc. (hereinafter referred to as "parts"), prescribed by Presidential Decree.

(2) For the purpose of this Act, the term "sword" means one prescribed by Presidential Decree among a knife, single-edged sword, double-edged sword, spear, polearm, dagger, etc., of which blade is at least fifteen centimeters long and which can be used by nature as a lethal weapon, and one that has evident danger of being used as a lethal weapon even though the blade is shorter than fifteen centimeters.

(3) For the purpose of this Act, the term "explosives" means the following gunpowder, explosives, and blasting agents (blasting agents refer to chemical compounds made from gunpowder and explosives; hereinafter the same shall apply): <Amended by Act No. 14839, Jul. 26, 2017>

1. Gunpowder:

- (a) Black powder, or gunpowder of which main ingredient is nitrate;
- (b) Smokeless gunpowder, or gunpowder of which main ingredient is nitrate ester;
- (c) Those that can be used for propellant explosion similar to that of the gunpowder under items (a) and (b), which are prescribed by Presidential Decree;

2. Explosives:

- (a) Primary explosives, such as mercury fulminate, lead azide, sodium thiocyanate, tetracene, etc.;
- (b) Ammonium nitrate explosives, potassium chlorate explosives, carlit, and other explosives of which main ingredient is nitrate, chlorate, or perchlorate;
- (c) Nitroglycerine, nitroglycol, and nitrate ester used as explosives;
- (d) Dynamite, and other explosives of which main ingredient is nitrate ester;
- (e) Trinitrobenzene, trinitrotoluene, picric acid, trinitrochlorobenzene, tetryl, trinitroanisole, hexanitrodiphenylamine, trimethylenetrinitramine, pentrit, and nitro compounds containing at least three nitro groups, and explosives of which main ingredients are such substances;
- (f) Liquid oxygen explosives and other liquid explosives;
- (g) Other explosive materials prescribed by Presidential Decree that can be used for destructive explosion similar to that of those under items (a) through (f);

3. Blasting agents:

- (a) Industrial detonators, electric detonators, non-electric detonators, electronic detonators, percussion caps, fog signal detonators, and other detonators prescribed by Presidential Decree (including parts, such as signal tubes, etc.);
- (b) Cartridges (including buckshots; hereinafter the same shall apply), and blank cartridges;
- (c) Fuses and smoke tubes;
- (d) Detonating cords, low vibration explosives, detonating fuses, and electric detonator fuses;
- (e) Fusee signals (flares), signal rockets, and blasting agents for signal;
- (f) Igniting agents;
- (g) Fireworks;
- (h) Toy fireworks, etc. prescribed by Ordinance of the Ministry of the Interior and Safety;
- (i) Emergency distress signal systems for motor vehicles;
- (j) Gas generator for automobile air bags;
- (k) Other blasting agents prescribed by Presidential Decree using gunpowder or explosives.

(4) For the purpose of this Act, the term "gas sprayer" means a piece of equipment that sprays tear gas or asphyxiating gas that makes human activities temporarily difficult, which is prescribed by Presidential Decree.

(5) For the purpose of this Act, the term "electroshock weapon" means a piece of equipment that discharges electricity that makes human activities temporarily difficult, or causes harm to human life, which is prescribed by Presidential Decree.

- (6) For the purpose of this Act, the term "crossbow" means one that can cause harm to human life by discharging arrows, etc. using the physics of archery and gun, which is prescribed by Presidential Decree.
- (7) For the purpose of this Act, the term "identification plate" means symbols, numbers, letters, etc. indicated on guns to easily identify the date of manufacture, name of manufacturer, place or country of manufacture, serial number, etc.

### **Article 3 (Exclusion from Application)**

- (1) With respect to the toy fireworks and emergency distress signal systems for motor vehicles under Article 2 (3) 3 (h) and (i), Articles 6, 6-3, 7, 8, 10, 12, 13, 18 through 21, 23, 32, and 35 shall not apply: Provided, That in cases of persons who have obtained permission for toy fireworks and emergency distress signal systems for motor vehicles under Article 4, 9, or 25, Articles 6, 6-3, 7, 8, 10, 12, 18, 21, and 23 shall not apply. <Amended by Act No. 14621, Mar. 21, 2017>
- (2) Except for Articles 4, 4-2, and 5, the provisions of this Act shall not apply to the gas generators for automobile air bags under Article 2 (3) 3 (j).
- (3) With respect to guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows manufactured, sold, exported, imported, or managed for military purposes, this Act shall not apply.
- (4) With respect to guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows manufactured for the purpose of export, the structure and performance standards concerning the permission to manufacture for relevant respective class under Article 4 (1) and (2) shall not apply.

## **CHAPTER II MANUFACTURE, SALE, ETC. OF GUNS, SWORDS, EXPLOSIVES, GAS SPRAYERS, ELECTROSHOCK WEAPONS, AND CROSSBOWS**

### **Article 3-2 (Formulation of Gun Safety Management Plan)**

- (1) The Commissioner General of the National Police Agency shall formulate a gun safety management plan after consultation with the head of relevant administrative agencies and report it to the Police Committee under Article 5 of the Police Act. The same shall also apply where such plan is modified.
- (2) A gun safety management plan shall include the following matters:
1. Basic direction of gun safety management;
  2. Current status of permission to possess guns and measures for maintaining adequate level of permission;
  3. Measures for inspection and collection of illegal guns;
  4. Safety education to possessors of guns;
  5. Safety management of hunting guns;
  6. Other matters prescribed by Presidential Decree for gun safety management.

(3) Where necessary for the formulation, modification, or implementation of a gun safety management plan, the Commissioner General of the National Police Agency may request the heads of relevant administrative agencies, Special Metropolitan City Mayor, Metropolitan City Mayors, Metropolitan Autonomous City Mayors, Do Governors, Special Self-Governing Province Governors, or the heads of public institutions under Article 4 of the Act on the Management of Public Institutions to submit relevant data or to give cooperation. In such cases, the person in receipt of such request shall comply therewith unless extenuating circumstances exist.

(4) Where the Commissioner General of the National Police Agency formulates or modifies a gun safety management plan, he/she shall publish it in the official gazette and announce it through an information and communications network, such as via the Internet, etc.

(5) The Commissioner General of the National Police Agency shall formulate and implement a detailed plan for the implementation of the gun safety management plan under paragraph (1).

(6) The timing of formulating a detailed plan and matters necessary for the formulation, implementation, etc. of a detailed plan shall be prescribed by Presidential Decree.

#### **Article 4 (Permission for Manufacturing Business)**

(1) A person who intends to engage in the business of manufacturing guns or explosives (including the business of remodeling and repairing guns and the business of transforming and processing explosives; hereinafter the same shall apply) shall obtain permission for each factory from the Commissioner General of the National Police Agency, as prescribed by Ordinance of the Ministry of the Interior and Safety. This shall also apply where the location, structure, facilities, or equipment of a factory is to be changed, or the types of guns or explosives or the methods of manufacturing guns or explosives is to be changed.  
<Amended by Act No. 14839, Jul. 26, 2017>

(2) A person who intends to engage in the business of manufacturing swords, gas sprayers, electroshock weapons, or crossbows shall obtain permission for each factory from the commissioner of a local police agency having jurisdiction over the location of the factory, as prescribed by Ordinance of the Ministry of the Interior and Safety. This shall also apply where the location, structure, facilities, or equipment of a factory is to be changed, or the types of swords, gas sprayers, electroshock weapons, or crossbows or the methods of manufacturing swords, gas sprayers, electroshock weapons, or crossbows is to be changed.  
<Amended by Act No. 14839, Jul. 26, 2017>

(3) No one other than a person permitted to engage in the business of manufacturing guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows pursuant to paragraph (1) or (2) (hereinafter referred to as "manufacturer") shall manufacture guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows: Provided, That this shall not apply where explosives of the number of types and of a quantity not exceeding those prescribed by Presidential Decree are manufactured for the purposes of physical or chemical tests or medical treatment.

(4) Where a person, for whom six months have not passed since the date on which permission is revoked pursuant to Article 45 (1), intends to conduct the same type of business at the same place of business, the Commissioner General of the National Police Agency or the commissioner of a local police agency shall not grant permission under paragraph (1) or (2).

(5) The standards for facilities and technologies concerning the manufacture of guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows shall be prescribed by Presidential Decree.

#### **Article 4-2 (Succession to Status of Manufacturer)**

(1) Any of the following persons shall succeed to the status of a previous manufacturer:

1. If a manufacturer dies, his/her successor;
2. If a manufacturer transfers his/her business to another person, the transferee.

(2) A person who acquires all business facilities according to any of the following procedures shall succeed to the status of a previous manufacturer: *<Amended by Act No. 14476, Dec. 27, 2016>*

1. An auction under the Civil Execution Act;
2. Conversion under the Debtor Rehabilitation and Bankruptcy Act;
3. Sale of seized property under the National Tax Collection Act, the Customs Act, or the Local Tax Collection Act;
4. Other procedures corresponding to any of subparagraphs 1 through 3.

(3) A person who succeeds to the status of a manufacturer pursuant to paragraph (1) or (2) shall report to the Commissioner General of the National Police Agency or the commissioner of a local police agency within one month from the date he/she succeeds to the status, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(4) Article 5 shall apply mutatis mutandis to grounds for disqualification of a person who intends to succeed to the status of a manufacturer pursuant to paragraph (1) or (2): Provided, That where the successor falls under any of the subparagraphs of Article 5, the grounds for disqualification shall not be deemed applicable to him/her for three months from the date he/she succeeds to the status of the relevant manufacturer.

#### **Article 5 (Grounds for Disqualification of Manufacturer)**

Any of the following persons shall not be permitted to engage in the business of manufacturing guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows:

1. A person for whom three years have not passed since the execution of sentence is completed or it is determined that he/she shall not serve sentence after having been sentenced to a penalty the same as or heavier than imprisonment without prison labor;
2. A person for whom one year has not passed since the period of stay of execution is completed after having been sentenced to a penalty the same as or heavier than imprisonment without prison labor;

3. An insane person; a person addicted to narcotic, hemp, psychotropic drug or alcohol addict; or a mentally defective person corresponding thereto;
4. A person who is under 20 years of age;
5. A person who is placed under adult guardianship or limited guardianship;
6. A person who was declared bankrupt and has not yet been reinstated;
7. A person for whom three years have not passed since permission was revoked pursuant to Article 45 (1);
8. A juristic person or organization that has an executive who falls under any of subparagraphs 1 through 7.

#### **Article 6 (Permission for Sales Business)**

(1) A person who intends to engage in the business of selling guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows shall obtain permission for each sales office from the commissioner of a local police agency having jurisdiction over sales office, as prescribed by Ordinance of the Ministry of the Interior and Safety. This shall also apply where a person intends to change the location, structure, facilities, or equipment of the sales agency, or change the types of guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows that he/she sells. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) No one other than a person permitted to engage in the business of selling guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows pursuant to paragraph (1) (hereinafter referred to as "dealer") shall sell guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows (in the case of sale of gas sprayers, including charging gas sprayers with chemical agents causing lachrymation, asphyxiation, etc.; hereinafter the same shall apply): Provided, That the foregoing shall not apply where the manufacturer directly sells guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows that he/she manufactured at the factory, or a gun dealer sells cartridges or blank cartridges for guns permitted for sale within the scope prescribed by Presidential Decree.

(3) Where a person, for whom six months have not passed since the date on which permission is revoked pursuant to Article 45 (1), intends to conduct the same type of business at the same place of business, the commissioner of a local police agency shall not grant permission under paragraph (1) or (2).

(4) The standards for facilities for the business of selling guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 6-2 (Permission, etc. for Business of Renting Guns, etc. for Theatrical Properties)**

(1) A person who intends to engage in the business of renting guns, swords, spray guns, electroshock weapons, or crossbows used as a theatrical property for movies, plays, etc. shall obtain permission for each rental office from the commissioner of a local police agency having jurisdiction over the rental office, as prescribed by Ordinance of the Ministry of the Interior and Safety. The same shall apply where he/she changes the location, structure, facilities, or equipment of rental office or changes the types of guns,

swords, spray guns, electroshock weapons, or crossbows to be rented. <Amended by Act No. 14839, Jul. 26, 2017>

(2) No one other than a person permitted to engage in the business of renting guns, swords, spray guns, electroshock weapons, or crossbows pursuant to paragraph (1) (hereinafter referred to as "renter") shall rent guns, swords, spray guns, electroshock weapons, or crossbows.

(3) Where a person, for whom six months have not passed since the date on which permission is revoked pursuant to Article 45 (1), intends to conduct the same type of business at the same place of business, the commissioner of a local police agency shall not grant permission under paragraph (1) or (2).

(4) The standards for facilities for renting guns, swords, spray guns, electroshock weapons, or crossbows under paragraph (1) shall be prescribed by Presidential Decree and the standards for structure and performance of guns, swords, spray guns, electroshock weapons, or crossbows shall be prescribed by Presidential Decree.

#### **Article 6-3 (Succession to Status of Dealers and Renters)**

@ Article 4-2 shall apply mutatis mutandis to succession to the position of a dealer or renter. In such cases, "Commissioner General of the National Police Agency or commissioner of a local police agency" shall be construed as "commissioner of a local policy agency", and "manufacturer" as "dealer or renter."

#### **Article 7 (Grounds for Disqualification of Dealers and Renters)**

@ Article 5 shall apply mutatis mutandis to grounds for disqualification of dealers or renters in granting them permission to engage in the business of selling guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows or the business of renting guns, swords, gas sprayers, electroshock weapons, and crossbows.

#### **Article 8 (Prohibition of Sale, Rent and Publicity in Open Air, etc.)**

No guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows shall be sold or rented by means of peddling, sale at a street stall, outdoor business activities, electronic commerce and mail order using the Internet under the Act on the Consumer Protection in Electronic Commerce, Etc., or door-to-door sales under the Act on Door-to-Door Sales, Etc., or be publicized for such purposes: Provided, That this shall not apply where a manufacturer, dealer, or renter publicizes permitted products.

#### **Article 8-2 (Prohibition of Posting or Spreading of Methods of Manufacturing Guns and Explosives through the Internet, etc.)**

No one shall post or spread information such as methods to manufacture guns or explosives (referring to the articles with explosive power that can inflict harm on the life and health of the people; hereafter the same shall apply in subparagraph 1-2 of Article 73) and design drawings therefor through an information and communications network such as the Internet.

#### **Article 9 (Permission, etc., for Export and Import)**

(1) A person who intends to export or import guns or explosives shall submit evidentiary documents, etc. to the Commissioner General of the National Police Agency and obtain permission therefrom each time he/she intends to export or import guns or explosives, as prescribed by Ordinance of the Ministry of the Interior and Safety. In such cases, the Commissioner General of the National Police Agency shall verify whether an importing country has permitted such import, whether a transit country has given consent thereto, etc. before he/she permits export. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) A person who intends to export or import swords, gas sprayers, electroshock weapons, or crossbows shall obtain permission from the commissioner of a local police agency having jurisdiction over the location of his/her principal office each time he/she intends to export or import swords, gas sprayers, electroshock weapons, or crossbows, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(3) No one other than a manufacturer, dealer, or renter shall obtain permission under paragraph (1) or (2) and export or import guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows: Provided, That this shall not apply where a state agency or local government intends to export or import them for its own use and the Commissioner General of the National Police Agency has given consent thereto.

(4) Where deemed necessary to maintain the public safety, the Commissioner General of the National Police Agency or the commissioner of a local police agency may restrict or choose not to permit the export or import of guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows: Provided, That he/she shall not permit the import or export of guns without identification plates.

(5) A person who has imported explosives shall promptly report the import to the chief of a police station having jurisdiction over the place of import, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

### **CHAPTER III POSSESSION AND USE OF GUNS, SWORDS, EXPLOSIVES, GAS SPRAYERS, ELECTROSHOCK WEAPONS, AND CROSSBOWS**

#### **Article 10 (Prohibition of Possession)**

No one shall possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows without permission, except for the following cases:

1. Where it is permitted to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows to perform duties in accordance with the Acts and subordinate statutes;
2. Where a manufacturer possesses guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows manufactured by himself/herself;



3. Where a person who has manufactured explosives pursuant to the proviso to Article 4 (3) possesses explosives manufactured by himself/herself;
4. Where a dealer possesses guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows;
5. Where a gun dealer possesses cartridges or blank cartridges for guns he/she sells pursuant to the proviso to Article 6 (2);
- 5-2. Where a renter possesses guns, swords, gas sprayers, electroshock weapons, or crossbows;
6. Where a person who has obtained permission to export or import pursuant to Article 9 (1) or (2) possesses relevant guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows;
7. Where a person who has obtained permission to use explosives under Article 18 (1) (including those who are allowed not to obtain permission for use pursuant to the proviso to Article 18 (1)) possesses relevant explosives;
8. Where a person who has obtained permission to take over explosives under Article 21 (1) (including those who are allowed not to obtain permission to take over explosives pursuant to the proviso to Article 21 (1)) possesses relevant explosives;
9. Where an employee of a person falling under any of subparagraphs 2 through 8 possesses guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows for official duties;
10. Where a person prescribed by Presidential Decree possesses guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows.

#### **Article 11 (Prohibition of Manufacture, Sale, and Possession of Imitation Guns)**

- (1) No one shall manufacture, sell, or possess those that look almost like a gun and are prescribed by Presidential Decree (hereinafter referred to as "imitation guns"): Provided, That this shall not apply where he/she makes, sells or possesses the imitation guns for the purpose of export.
- (2) Where a person manufactures imitation guns for the purpose of export pursuant to the proviso to paragraph (1), he/she shall report to the chief of a police station having jurisdiction over the location of the factory, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

#### **Article 12 (Permission to Possess Guns, Swords, Explosives, Gas Sprayers, Electroshock Weapons, and Crossbows)**

- (1) Where a person who does not fall under any subparagraph of Article 10 intends to possess a gun, sword, explosive, gas sprayer, electroshock weapon, or crossbow, he/she shall obtain permission according to the following classification, as prescribed by Ordinance of the Ministry of the Interior and Safety: Provided, That where he/she intends to obtain permission to possess a gun under subparagraph 1 or 2, he/she shall submit documents prescribed by Ordinance of the Ministry of the Interior and Safety to a permitting agency by which mental illness, personality disorder, etc. of the applicant can be verified:

*<Amended by Act No. 13429, Jul. 24, 2015; Act No. 14839, Jul. 26, 2017>*

1. A gun (excluding those prescribed in subparagraph 2): The commissioner of a local police agency having jurisdiction over his/her address;
  2. Among guns, hunting rifles, gas guns, air guns, anesthetizing guns, animal slaughter guns, industrial guns, or guns for search and rescue activities, or parts thereof: The chief of a police station having jurisdiction over his/her address;
  3. Swords, explosives, gas sprayers, electroshock weapons, or crossbows: The chief of a police station having jurisdiction over his/her address.
- (2) Where a representative or agent, employee or servant of a juristic person intends to possess industrial guns, gas guns, gas sprayers, or electroshock weapons for construction works, security, etc., the representative of the juristic person shall obtain permission from the chief of a police station having jurisdiction of the location of the principal office of the juristic person after specifying the number of industrial guns, gas guns, gas sprayers, or electroshock weapons for which he/she seeks permission and persons to possess them. In such cases, permission to possess gas guns shall be limited where a person to possess them is qualified to carry a gun pursuant to related Acts and subordinate statutes.
- (3) A person, who intends to have performers, etc. temporarily possess guns, swords, gas sprayers, electroshock weapons, or crossbows after renting them from a renter for the purpose of using them as a theatrical property in a movie, drama, etc., shall obtain permission from the commissioner of a local police agency having jurisdiction over his/her address after designating a manager (referring to a person who is responsible for the management of guns, swords, gas sprayers, electroshock weapons, or crossbows of which possession is permitted, such as that he/she directly hands them out each time they are used for filming, drama performance, etc., collects them after use, etc.; hereinafter the same shall apply) and the period of possession. In such cases, all the persons who temporarily possess guns, swords, gas sprayers, electroshock weapons, or crossbows that have been rented while a movie is filmed or a drama is performed shall be deemed to have obtained permission for possession.
- (4) A person responsible for possession under paragraph (3) shall be designated from among persons who do not fall under the subparagraphs of Article 13 (1), and matters necessary for the standards for management, methods of management, etc. of guns, swords, gas sprayers, electroshock weapons, or crossbows of which possession is permitted shall be prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*
- (5) The scope of permission to possess guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows shall be prescribed by Presidential Decree by kind and use.

### **Article 13 (Grounds for Disqualification, etc. of Possessors of Guns, Swords, Explosives, Gas Sprayers, Electroshock Weapons or Crossbows)**

- (1) None of the following persons shall be permitted to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows: *<Amended by Act No. 13429, Jul. 24, 2015>*

1. A person who is under 20 years of age: Provided, That this shall not apply where an athlete or candidate recommended by the president of the Korean Olympic Committee, or the president of the Seoul Special Metropolitan City sports council, a Metropolitan City sports council, or a Do sports council intends to possess a target rifle;
  2. A mentally defective person; a person addicted to narcotic drugs, marijuana, psychotropic substances, or alcohol; or a mentally ill person or a person with epilepsy who is prescribed by Presidential Decree;
  3. A person for whom five years have not passed since the date the execution of sentence was completed (including cases where the sentence is deemed completed) or was exempted after having been sentenced to imprisonment without prison labor or a heavier punishment;
  4. A person for whom five years have not passed since the date he/she was sentenced to a fine for violating this Act;
  5. A person for whom five years have not passed since the date a stay period ends after having been sentenced to a fine or a stay of execution of imprisonment with prison labor or a heavier punishment for committing a specific violent crime falling under any subparagraph of Article 2 (1) of the Act on Special Cases Concerning the Punishment of Specific Violent Crimes;
  6. A person for whom three years have not passed since the date a stay period ends after having been sentenced to a stay of execution of imprisonment without prison labor or a heavier punishment for violation of this Act;
  - 6-2. A person for whom five years have not passed since he/she was sentenced to a fine for committing any of the following crimes:
    - (a) A crime under Article 114 of the Criminal Act;
    - (b) A crime under Articles 257 (1) and (2), 260, and 261 of the Criminal Act;
    - (c) A crime under Article 7 or 8 of the Act on the Protection of Children and Juveniles against Sexual Abuse;
  - 6-3. A person for whom five years have not passed since the date execution is completed (including cases in which execution is deemed completed) or exempted after again having been sentenced to a fine or heavier punishment for driving under influence, etc. within five years from the date he/she was sentenced to a fine or heavier punishment for a crime under Article 148-2 of the Road Traffic Act (hereinafter referred to as "driving under influence");
  7. A person for whom one year has not passed since his/her permission was revoked pursuant to Article 45 or 46 (1).
- (2) Where the commissioner of a local police agency or the chief of a police station deems that a person is likely to harm another person's life or property or public safety, even if the person does not fall under any subparagraph of paragraph (1), he/she may choose not to permit the person to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows.
- (3) The commissioner of a local police agency or the chief of a police station shall not grant permission to possess camouflaged guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows, or

permission to possess guns, gas sprayers, electroshock weapons, or crossbows the structure and function of which fail to meet the standards prescribed by Ordinance of the Ministry of the Interior and Safety. <Amended by Act No. 14839, Jul. 26, 2017>

#### **Article 14 (Exceptions to Permission Requirements for Persons who Enter or Depart Country for Temporary Stay)**

(1) A person who enters or departs the country to participate in an international shooting competition, hunting competition, martial arts competition, etc. held at home or abroad shall obtain permission for temporary export or import or permission for temporary possession of guns, swords, or crossbows to be used at such competition (in the case of permission for temporary possession, it shall be limited to foreigners; hereinafter the same shall apply) from the commissioner of a local police agency having jurisdiction over the location of the port of entry or exit, as prescribed by Ordinance of the Ministry of the Interior and Safety. <Amended by Act No. 14839, Jul. 26, 2017>

(2) Where the commissioner of a local police agency receives an application for permission under paragraph (1), he/she may grant permission for temporary export or import, or permission for temporary possession after specifying a period.

(3) A person who intends to enter the country while possessing a gun for the purpose of guarding a state guest, public official of ministerial level or higher or foreign key figure corresponding thereto, diplomat, etc. shall obtain permission from the Commissioner General of the National Police Agency for the temporary import or export of a gun or for the temporary possession of a gun, as prescribed by Presidential Decree.

#### **Article 14-2 (Storage of Guns)**

(1) A person who obtains permission to possess a gun pursuant to Article 12 or 14 shall keep the gun and cartridges or blank cartridges in a place designated by a permitting agency.

(2) Where a person permitted to possess a gun intends to use the gun for a permitted use or where a justifiable ground exists, he/she shall file an application to lift the storage restriction with a permitting agency. In such cases, he/she shall also file a written consent on the collection of information on location by which information on the location of the gun or the possessor of the gun is identifiable during the period of lift of storage restriction on the gun.

(3) If an application to lift storage restriction under paragraph (2) is not appropriate, the possessor of a gun does not consent to the collection of information on location, or it is deemed necessary to maintain public safety, a permitting agency may choose not to lift storage restriction on the gun.

(4) Matters necessary for guns, cartridges, or blank cartridges subject to storage, period and place of storage, procedures for storage and lift of storage restriction, collection of information on location, etc. shall be prescribed by Presidential Decree.

### **Article 15 (Exceptions to Permission to Possess Guns)**

@Articles 10, 18, 21 (excluding a person permitted to possess a gun for hunting), and 25 shall not apply to the quantity prescribed by Ordinance of the Ministry of the Interior and Safety regarding cartridges, blank cartridges, percussion caps, fog signal detonators, fusee signals (flares), signal rockets, blasting agents for signal, or igniting agents possessed by a person permitted to possess a gun pursuant to Article 12 or 14 to use for permitted purposes. *<Amended by Act No. 13429, Jul. 24, 2015; Act No. 14839, Jul. 26, 2017>*

### **Article 16 (Renewal of Permission to Possess Guns)**

- (1) A person who is permitted to possess a gun pursuant to Article 12 shall have the permission renewed every three years from the date he/she obtains permission. *<Amended by Act No. 13429, Jul. 24, 2015>*
- (2) Where a person intends to have his/her permission to possess a gun renewed pursuant to paragraph (1), he/she shall submit a document prescribed by Ordinance of the Ministry of the Interior and Safety by which his/her mental illness, personality disorder, etc. can be verified. *<Newly Inserted by Act No. 13429, Jul. 24, 2015; Act No. 14839, Jul. 26, 2017>*
- (3) The procedure for renewal of permission under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

### **Article 17 (Restriction on Carrying, Transportation, Use, Remodeling etc. of Guns, Swords, Gas Sprayers, Electroshock Weapons, and Crossbows)**

- (1) A person who is permitted to possess a gun, sword, gas sprayer, electroshock weapon, or crossbow pursuant to Article 12 or 14 shall not carry a gun (including cartridges or blank cartridges of the gun), sword, gas sprayer, electroshock weapon, or crossbow with him/her or transport it except for cases where he/she intends to use it for permitted purposes, or any justifiable ground exists. *<Amended by Act No. 13429, Jul. 24, 2015>*
- (2) A person who is permitted to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows pursuant to Article 12 or 14 shall not use guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows unless they are used for permitted purposes or any justifiable ground exists.
- (3) A person who is permitted to possess guns pursuant to Article 12 or 14 shall store, carry, or transport guns after putting the guns in gun cases or packing them, and shall not load guns with cartridges or blank cartridges.
- (4) A person who is permitted to possess a gun pursuant to Article 12 or 14 shall not remodel the gun at his/her discretion to alter its performance.

### **Article 18 (Use of Explosives)**

(1) Any person who intends to blast or burn explosives shall obtain permission for use from the chief of a police station having jurisdiction over the place where the explosives are to be used, as prescribed by Ordinance of the Ministry of the Interior and Safety: Provided, That the foregoing shall not apply to persons who dig minerals pursuant to the provisions of the Mining Industry Act, and to persons prescribed by Presidential Decree. <Amended by Act No. 14839, Jul. 26, 2017>

(2) Where a person who has obtained permission for use of explosives under the main sentence of paragraph (1) (hereinafter referred to as "explosives user") intends to use the explosives for a use other than the permitted use, he/she shall again obtain permission to use explosives under the main sentence of paragraph (1).

(3) Where the purpose, place, date, time, quantity or method of the use of explosives is deemed inappropriate, or is deemed to undermine the maintenance of public security, the chief of a police station shall not grant permission under paragraph (1) or (2).

(4) The blasting and burning of explosives shall comply with the technological standards prescribed by Presidential Decree.

(5) Article 13 (1) and (2) shall apply mutatis mutandis to grounds for disqualification of persons who intend to obtain permission to use explosives under paragraphs (1) and (2).

#### **Article 19 (Prohibition of Handling)**

None of the following persons shall handle guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows (referring to manufacturing, selling, giving and receiving, loading, transporting, storing, possessing, using, discarding, etc. thereof; hereinafter the same shall apply), and no person shall make him/her handle them: Provided, That where a gun, sword, gas sprayer, electric shock machine, or crossbow under Article 6-2 (1) is temporarily possessed for a movie, drama, etc. pursuant to Article 12 (3), this shall not apply:

1. A person who is under eighteen years of age: Provided, That where an athlete or candidate recommended by the president of the Korean Olympic Committee, or the president of the Seoul Special Metropolitan City sports council, a Metropolitan City sports council, a Special Self-Governing City sports council, a Do sports council, or a Special Self-Governing Province sports council intends to possess a target rifle or crossbow, this shall not apply;
2. A person falling under any subparagraph of Article 5 (excluding subparagraph 4 of the same Article);
3. A person falling under any of subparagraphs 2 through 7 of Article 13 (1).

#### **Article 20 (Discarding of Explosives)**

(1) A person who intends to discard explosives shall report to the chief of a police station having jurisdiction over the place where he/she intends to discard them, as prescribed by Ordinance of the Ministry of the Interior and Safety: Provided, That this shall not apply where a manufacturer discards explosives manufactured in the manufacturing process in his/her factory. <Amended by Act No. 14839, Jul.

26, 2017>

(2) Where the place, date, time, quantity, method, etc. of discarding of explosives, is not appropriate or the discarding is deemed to obstruct the maintenance of public safety, the chief of a police station may order to suspend the discarding of explosives or to supplement it.

(3) Discarding of explosives shall comply with the technological standards prescribed by Presidential Decree.

#### **Article 21 (Restriction on Transfer, Takeover, etc.)**

(1) A person who intends to transfer or take over explosives shall obtain permission from the chief of a police station having jurisdiction over his/her address or the place where explosives are used, as prescribed by Ordinance of the Ministry of the Interior and Safety: Provided, That this shall not apply in any of the following: <Amended by Act No. 13429, Jul. 24, 2015; Act No. 14839, Jul. 26, 2017>

1. Where a manufacturer takes over explosives for the purpose of manufacturing explosives, or transfers manufactured explosives;
2. Where a dealer takes over or transfers explosives for the purpose of sale;
3. Where a person who is permitted to export and import explosives takes over or transfers explosives with regard to the export and import;
4. Where a person permitted to possess a gun takes over explosives, of a quantity not more than that prescribed by Presidential Decree, for hunting or shooting (limited to where he/she takes over explosives from a gun dealer pursuant to the proviso to Article 6 (2));
5. Where a person who mines minerals under the Mining Act takes over explosives, of a quantity not exceeding that prescribed by Presidential Decree, for the purpose of mining minerals;
6. Where the business of manufacturing or selling explosives or an explosives storage facility is transferred or taken over.

(2) Where the purpose of taking over or transferring explosives is deemed unclear, or the maintenance of public safety is deemed obstructed, the chief of a police station shall not grant permission under paragraph (1).

(3) A manufacturer or dealer of explosives, or a person permitted to import explosives shall not transfer explosives to persons, other than those who are permitted to take over explosives pursuant to the main sentence of paragraph (1) or who do not have to obtain permission to take over explosives pursuant to the proviso to paragraph (1); and no one shall take over explosives from a person other than a manufacturer, a dealer, or a person permitted to import or a person who has obtained permission to transfer explosives pursuant to the main sentence of paragraph (1).

(4) A manufacturer, a dealer, or a person permitted to import or possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows shall neither transfer them to a person, other than a manufacturer, a dealer, or a person permitted to import or possess, nor take them over from a manufacturer, a dealer, or a person permitted to import or possess: Provided, That where the business of

manufacturing or selling guns, swords, gas sprayers, electroshock weapons, or crossbows is transferred or taken over, this shall not apply.

(5) A manufacturer, a dealer, a person permitted to export and import guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows or a person permitted to possess them shall be prohibited from renting them to others or from borrowing them from others.

## **Article 22 (Implementation of Education)**

(1) A person (referring to a person in charge of management in the case of Article 12 (3)) who intends to obtain permission to possess a gun (limited to a hunting rifle and air gun) or crossbow and a person who intends to obtain a license for person in charge of security in manufacturing explosives or in charge of security in managing explosives under Article 28 shall receive education on the following matters conducted by the commissioner of a local police agency or the chief of a police station who grants permission or a license before the permission or a license is granted: Provided, That where a person prescribed by Presidential Decree intends to obtain permission to possess a gun or crossbow, the commissioner of a local police agency or the chief of a police station may be grant him/her exemption from education or may have him/her receive education after granting him/her permission or a license:

*<Amended by Act No. 13215, Mar. 11, 2015>*

1. Acts and subordinate statutes relating to the handling, management, etc. of guns, swords, explosives and crossbows;
2. Practical skill on the use, storage and handling of hunting rifles, air guns, and crossbows, and safety education;
3. Practical skill on the safety management of manufacturing and handling of explosives.

(2) The commissioner of a local police agency or the chief of a police station who conducts education pursuant to paragraph (1) shall issue a certificate of course completion to persons who complete a course of education under paragraph (1).

(3) The commissioner of a local police agency or the chief of a police station may entrust the Guns and Explosives Safety Technology Association under Article 48 or a person prescribed by Ordinance of the Ministry of the Interior and Safety with all or some of the duties relating to education under paragraph (1).

*<Amended by Act No. 14839, Jul. 26, 2017>*

(4) Where a person permitted to possess a gun (limited to a hunting rifle and air gun) or crossbow intends to go hunting, he/she shall receive safety education, as prescribed by Presidential Decree: Provided, That this shall not apply to the year in which education under paragraph (5) is received. *<Newly Inserted by Act No. 13215, Mar. 11, 2015>*

(5) A person who is permitted to possess a gun (limited to a hunting rifle and air gun) or crossbow or obtains a license under Article 28 shall receive education on matters under the subparagraphs of paragraph (1) every five years. *<Newly Inserted by Act No. 13215, Mar. 11, 2015>*



#### **Article 23 (Report, etc. on Discovery and Picking Up)**

Where a person discovers or picks up guns, swords, explosives, gas sprayers, or crossbows that have been lost, buried, or are not properly managed, he/she shall report the fact to the nearest police agency within 24 hours and shall not touch, move, strike, or dismantle them without a police officer's instruction (including a conscripted policeman). *<Amended by Act No. 13425, Jul. 24, 2015>*

### **CHAPTER IV MANAGEMENT OF GUNS, SWORDS, EXPLOSIVES, GAS SPRAYERS, ELECTROSHOCK WEAPONS, AND CROSSBOWS**

#### **Article 24 (Storage of Explosives)**

(1) Explosives shall be stored at an explosives storage facility under Article 25, and the storing methods and storage quantity prescribed by Presidential Decree and technological standards necessary for the prevention of accidents shall be complied with: Provided, That in the case of explosives of a quantity not exceeding the quantity prescribed by Presidential Decree, this shall not apply.

(2) The manufacturers and dealers of explosives shall install an explosives storage facility for their exclusive use.

#### **Article 25 (Permission to Install Explosives Storage Facilities)**

(1) A person who intends to install an explosives storage facility shall obtain permission from the commissioner of a local police agency or the chief of a police station having jurisdiction over the place where it is to be installed, according to the classification of explosives storage facilities prescribed by Presidential Decree. This shall also apply where he/she intends to change the location, structure, or equipment of the explosives storage facility.

(2) Where the commissioner of a local police agency or the chief of a police station receives an application for permission under paragraph (1), and the structure, location, or equipment of the storage facility fails to meet the standards prescribed by Presidential Decree, he/she shall not permit the installation of the explosives storage facility.

(3) Article 5 shall apply mutatis mutandis to grounds for disqualification of a person who intends to obtain permission to install an explosives storage facility.

(4) Where a person, for whom six months have not passed since the date on which his/her permission to install an explosives storage facility is revoked pursuant to Article 45 (1), intends to install an explosives storage facility at the same place, the commissioner of a local police agency or chief of a police station shall not grant permission under paragraph (1).

(5) A person who has obtained permission to install an explosives storage facility (hereinafter referred to as "installer of an explosives storage facility") shall not entrust another person with the management of the

explosives storage facility, or lend it to him/her.

#### **Article 25-2 (Succession to Status of Installer of Explosives Storage Facility)**

@Article 4-2 shall apply mutatis mutandis to succession to the status of an installer of an explosives storage facility. In such cases, "manufacturing industry" shall be construed as "explosives storage facility," "manufacturer" as "installer of an explosives storage facility," and the "Commissioner General of the National Police Agency or the commissioner of a local police agency" as the "commissioner of a local police agency or the chief of a police station."

#### **Article 26 (Transportation of Explosives)**

(1) A person who intends to transport explosives shall report the transportation to the chief of a police station having jurisdiction over the place of shipment, as prescribed by Ordinance of the Ministry of the Interior and Safety: Provided, That where he/she transports explosives of a quantity not exceeding the quantity prescribed by Presidential Decree, this shall not apply. <Amended by Act No. 14839, Jul. 26, 2017>

(2) The chief of a police station in receipt of a report on transportation under paragraph (1) shall issue a certificate of report of transportation of explosives, as prescribed by Ordinance of the Ministry of the Interior and Safety. <Amended by Act No. 14839, Jul. 26, 2017>

(3) A person who transports explosives shall carry with him/her a certificate of report of transportation of explosives issued pursuant to paragraph (2).

(4) Where explosives are transported, the technological standards prescribed by Presidential Decree concerning loading and transporting methods, routes and shipping marks, etc., and the instructions written down on the certificate of report of transportation of explosives under paragraph (2) shall be complied with: Provided, That this shall not apply where explosives transported by train, ship, or aircraft.

#### **Article 27 (Appointment of Person in Charge of Security in Manufacturing Explosives or Security in Managing Explosives)**

(1) An explosives manufacturer shall appoint a person in charge of security in manufacturing explosives or a person in charge of security in managing explosives, and an explosives dealer, installer of an explosives storage facility, and a user of explosives of a quantity at least the quantity prescribed by Presidential Decree shall appoint a person in charge of security in managing explosives, respectively, from among persons holding a license under Article 28.

(2) Where a person who, pursuant to paragraph (1), has to appoint a person in charge of security in manufacturing explosives or a person in charge of security in managing explosives appoints or dismisses a person in charge of security in manufacturing explosives or a person in charge of security in managing explosives, he/she shall report to a permitting agency that grants permission pursuant to this Act, as prescribed by Ordinance of the Ministry of the Interior and Safety. <Amended by Act No. 14839, Jul. 26, 2017>

(3) Where grounds for disqualification under Article 29 (1) applies to a person in charge of security in manufacturing explosives or to a person in charge of security in managing explosives who is appointed pursuant to paragraph (1), or he/she violates this Act or an order issued under this Act, a permitting agency may issue an order of his/her dismissal.

(4) The standards for appointment of a person in charge of security in manufacturing explosives or a person in charge of security in managing explosives and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 28 (License of Person in Charge of Security in Manufacturing Explosives and Person in Charge of Security in Managing Explosives)**

(1) A person who has obtained a national qualification for manufacturing explosives, managing explosives, or handling explosives under the National Technical Qualifications Act may obtain a license of person in charge of security in manufacturing explosives or a license of person in charge of security in managing explosives from the commissioner of a local police agency, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) A person who does not hold a license under paragraph (1) shall not become a person in charge of security in manufacturing explosives or a person in charge of security in managing explosives.

(3) Matters necessary for the kinds of license of person in charge of security in manufacturing explosives and license of person in charge of security in managing explosives and qualifications eligible for a license shall be prescribed by Presidential Decree.

(4) A person who obtains a license under paragraph (1) shall have the license renewed every five years from the date he/she obtains it, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

#### **Article 29 (Grounds for Disqualification of Person in Charge of Security in Manufacturing Explosives and Person in Charge of Security in Managing Explosives)**

(1) None of the following persons shall obtain a license of person in charge of security in manufacturing explosives or a person in charge of security in managing explosives:

1. A person under 20 years of age;
2. A person who is color-blind, color-weak, blind, dumb, deaf, or whose movement of limbs is clearly restricted;
3. A person (excluding a person whose license was revoked for violation of Article 28 (4)) for whom one year has not passed since his/her license was revoked pursuant to Article 30 (1) (excluding subparagraph 2 of the same paragraph);
4. A person who falls under any of Article 13 (1) 2 through 7.

(2) Article 13 (2) shall apply mutatis mutandis to a license of person in charge of security in manufacturing explosives or a person in charge of security in managing explosives.

### **Article 30 (Revocation and Suspension of License)**

(1) Where a person who has obtained a license of person in charge of security in manufacturing explosives or person in charge of security in managing explosives falls under any of following, the commissioner of a local police agency who granted the license (hereinafter referred to as "licensing agency") may revoke the license, or suspend the effect of the license for a specified period up to a maximum of six months: Provided, That where any of subparagraphs 1 through 4 applies to him/her, the licensing agency shall revoke his/her license:

1. Where it turns out that he/she has obtained the license by deceit or fraudulent means;
2. Where the qualification is revoked pursuant to the National Technical Qualifications Act;
3. Where he/she falls under a ground for disqualification under Article 29 (1);
4. Where he/she has lent the license to another person;
5. Where he/she has caused, intentionally or by gross negligence, an accident, such as an explosion, etc., in handling explosives, and thus killed or injured people;
6. Where the licensing agency has a reasonable ground to believe that he/she is likely to disturb public peace and order;
7. Where he/she violates this Act or an order under this Act.

(2) Where the qualification of a person with a license of a person in charge of security in manufacturing explosives or a person in charge of security in managing explosives is suspended pursuant to the National Technical Qualifications Act, a licensing agency shall suspend the license while his/her qualification is suspended.

### **Article 31 (Duties, etc. of Person in Charge of Security in Manufacturing Explosives and Person in Charge of Security in Managing Explosives)**

(1) A person in charge of security in manufacturing explosives shall take charge of the manufacture of explosives and a person in charge of security in managing explosives shall take charge of the handling of explosives in general (excluding manufacture), and faithfully perform supervisory duties concerning safety prescribed by Presidential Decree, respectively.

(2) Persons who handle explosives shall follow the directions and supervision concerning safety of a person in charge of security in manufacturing explosives and a person in charge of security in managing explosives.

### **Article 32 (Stability Test of Explosives)**

(1) A person who manufactures or imports explosives, or who possesses explosives past a period prescribed by Presidential Decree after manufacturing or importing the explosives, shall test the stability thereof, as prescribed by Presidential Decree.

(2) A person who tests stability under paragraph (1) shall report the result of test to the commissioner of a local police agency.

(3) Where the Commissioner General of the National Police Agency or the commissioner of a local police agency deems a need arises for the prevention of disasters, he/she may order an explosives owner to conduct a stability test under paragraph (1).

(4) The manufacturer, importer, or possessor of explosives shall discard explosives that are turned out to fall short of the technological standards prescribed by Presidential Decree, as a result of a stability test under paragraph (1) or (3), within 30 days from the date he/she is notified of the result of the stability test, and notify the result to the commissioner of a local police agency: Provided, That where the quantify of explosives to be discarded is large or an extenuating circumstance exists, he/she may explain the reasons to the commissioner of a local police agency and extend the period to discard explosives up to a maximum of 30 days.

### **Article 33 (Measures for Remaining Explosives)**

Where the permission of a person who is entitled to possess or use explosives pursuant to this Act or other Acts is revoked or possession or use is no longer necessary, he/she shall promptly transfer or discard the explosives.

### **Article 34 (Packing, etc. of Explosives)**

(1) Explosives shall be packed in compliance with the packing standards for explosives prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) No guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows shall be possessed, stored, transported, or forwarded in disguise or packed in mixture with other articles.

### **Article 35 (Report on Theft and Loss)**

If guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows are stolen or lost, the owner or manager shall promptly report to a police agency.

### **Article 36 (Emergency Measures, etc.)**

Where the stability of explosives is abnormal, or urgent measures are needed as a fire or dangerous situation breaks out in the vicinity of an explosives storage facility, the owner or manager of the explosives, or the installer of the explosives storage facility shall promptly take emergency measures prescribed by Presidential Decree and report to a police agency.

### **Article 37 (Prohibition, etc. of Handling of Fire or Smoking)**

(1) No one shall handle embers or smoke a cigarette in a place other than a designated place in a factory, store, storage facility, or a place where explosives are handled.

(2) No one shall enter a factory, store, storage facility or a place where explosives are handled as he/she carries fire prone materials without consent of the manager thereof.

#### **Article 38 (Danger Prevention Rules)**

(1) A manufacturer shall make danger prevention rules according to the standards prescribed by Ordinance of the Ministry of the Interior and Safety and obtain approval from the commissioner of a local police agency. The same shall also apply to the modification thereof. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) Where the danger prevention rules under paragraph (1) do not accord with the standards for facilities and techniques concerning the manufacture of guns, swords, explosives, gas sprayers, electroshock weapons, and crossbows under Article 4 (5), or are deemed inappropriate for the prevention of accidents, the commissioner of a local police agency shall not approve of the rules.

(3) Where the commissioner of a local police agency deems a need arise for the prevention of accidents and for the maintenance of public safety, he/she may order a manufacturer to modify danger prevention rules.

(4) A manufacturer and his/her employees shall observe danger prevention rules.

#### **Article 39 (In-House Safety Education)**

(1) A manufacturer shall formulate an in-house safety education plan for his/her employees according to the standards prescribed by Ordinance of the Ministry of the Interior and Safety and obtain approval from the commissioner of a local police agency. The same shall also apply to the modification of the plan. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) Where the commissioner of a local police agency deems that the in-house safety education plan under paragraph (1) is inappropriate for the standards prescribed by Ordinance of the Ministry of the Interior and Safety, he/she shall not approve of such plan. *<Amended by Act No. 14839, Jul. 26, 2017>*

(3) A manufacturer shall faithfully conduct safety education according to the in-house safety education plan approved under paragraph (1).

(4) Where the commissioner of a local police agency deems a special need arises for the prevention of accidents, he/she may issue an order even to a person who uses lots of explosives, or uses explosives continuously for a substantial period to formulate an in-house safety education plan. In such cases, paragraphs (1) through (3) shall apply mutatis mutandis.

#### **Article 40 (Self-Safety Inspections)**

(1) The installer of an explosives storage facility shall formulate a self-safety inspection plan according to the standards prescribed by Ordinance of the Ministry of the Interior and Safety, inspect the explosives storage facility, and submit the self-safety inspection plan to a permitting agency. The same shall also apply to the modification thereof. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) The self-safety inspection plan under paragraph (1) shall include the result of regular inspections of a number at least that prescribed by Presidential Decree; and when a regular inspection of an explosives storage facility is finished, the installer of the explosives storage facility shall promptly report the result of inspection to the permitting agency.

(3) Where the commissioner of a local police agency or the chief of a police station deems a need arises, he/she may have a relevant public official participate in the self-safety inspection under paragraph (1).

#### **Article 41 (Regular Safety Inspections)**

A manufacturer, a dealer, or an installer of an explosives storage facility shall receive a regular safety inspection conducted by a permitting agency on an annual basis, as prescribed by Presidential Decree.

#### **Article 42 (Inspection of Guns, Gas Sprayers, Electroshock Weapons, and Crossbows)**

(1) Those prescribed by Presidential Decree from among guns, gas sprayers, electroshock weapons, or crossbows manufactured by manufacturers of guns, gas sprayers, electroshock weapons, or crossbows, and guns, gas sprayers, electroshock weapons, or crossbows imported by persons permitted to import guns, gas sprayers, electroshock weapons, or crossbows pursuant to Article 9 shall be inspected by the Commissioner General of the National Police Agency. In such cases, where guns without any identification plate are manufactured or imported, the Commissioner General of the National Police Agency shall, immediately, issue an order to destroy or send back such guns.

(2) The structure of guns, gas sprayers, electroshock weapons, and crossbows that are the standards for inspection under paragraph (1), performance inspection pass marks, inspection fees, and other matters necessary for inspection shall be prescribed by Ordinance of the Ministry of the Interior and Safety.

*<Amended by Act No. 14839, Jul. 26, 2017>*

(3) Where the Commissioner General of the National Police Agency deems a need arises, he/she may entrust the Guns and Explosives Safety Technology Association under Article 48 with the inspection under paragraph (1). In such cases, matters necessary for conducting inspection, such as standards for facilities to be prepared by the Guns and Explosives Safety Technology Association, standards for qualifications of persons to conduct inspection, etc. shall be prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(4) The executives and employees of the Guns and Explosives Safety Technology Association who conduct inspection entrusted pursuant to paragraph (3) shall be deemed a public official if Articles 129 through 132 of the Criminal Act apply to them.

(5) No guns, gas sprayers, electroshock weapons, and crossbows without a mark of passing an inspection conducted pursuant to paragraph (1) shall be sold, rented, or displayed for sale or rent.

(6) Where the commissioner of a local police agency or the chief of a police station deems a need arises to inspect whether a person permitted to possess a gun, gas sprayer, electroshock weapon, or crossbow possesses them appropriately, he/she may conduct an inspection of such gun, gas sprayer, electroshock

weapon, or crossbow, as prescribed by Ordinance of the Ministry of the Interior and Safety. <Amended by Act No. 14839, Jul. 26, 2017>

(7) A person who is permitted to possess a gun, gas sprayer, electroshock weapon, or crossbow shall receive an inspection under paragraph (6).

## CHAPTER V SUPERVISION

### **Article 43 (Inspection on Completion)**

A manufacturer, dealer, or the installer of an explosives storage facility shall receive an inspection of facility or installation from a permitting agency within one year from the date he/she receives permission, and shall not begin duties or use the facility or installation unless he/she passes the inspection: Provided, That where an extenuating circumstance exists, the permitting agency may extend the period up to a maximum of one year.

### **Article 44 (Access, Inspection, etc.)**

(1) Where a permitting agency deems it necessary to prevent accidents or to maintain public safety, it may have relevant public officials enter the factories, stores or renter's offices of guns, gas sprayers, electroshock weapons, or crossbows, explosives storage facilities or places where explosives are used and other necessary places to inspect books, documents and other necessary articles, or inquire of interested parties.

(2) Public officials who are engaged in the access and inspection under paragraph (1) shall carry a certificate showing his/her authority and show it to interested parties.

(3) Where a permitting agency deems a need arises for the prevention of accidents or for the maintenance of public safety, it may require manufacturers, dealers and renters, persons permitted to export and import guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows, persons permitted to possess guns, swords, gas sprayers, electroshock weapons, or crossbows, installers of explosives storage facilities, explosives user, etc. to make a necessary report.

### **Article 45 (Administrative Disposition on Manufacturers, etc.)**

(1) Where a manufacturer, dealer, or renter falls under any of the following, a permitting agency shall revoke his/her permission: Provided, That in any case under subparagraphs 6 through 8, it may order him/her to suspend business for a specified period up to a maximum of six months:

1. Where he/she obtains permission by deceit or fraudulent means;
2. Where guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows manufactured for the purpose of export without applying the structure and performance standards under Article 3 (4) are sold in domestic markets or illegally sent thereto;



3. Where he/she fails to prepare facilities for manufacture, sale, or rent under Articles 4, 6, and 6-2, or he/she has a ground for disqualification under Article 5 (including cases where such provision applies *mutatis mutandis* pursuant to Article 7);
4. Where he/she fails to receive the inspection on completion under Article 43;
5. Where he/she suspends business for one year or more without any justifiable ground after starting the business;
6. Where he/she fails to begin business within specified period;
7. Where there are reasonable grounds to believe that he/she may disturb public peace and order;
8. Where he/she violates this Act or an order under this Act.

(2) Paragraph (1) (excluding subparagraph 2 of the same paragraph) shall apply *mutatis mutandis* to administrative disposition imposed on the installer of an explosives storage facility. In such cases, "facilities for manufacture or sale under Articles 4 and 6" shall be construed as "explosives storage facility under Article 25."

#### **Article 45-2 (Succession to Effect of Administrative Disposition)**

(1) Where the status of a manufacturer, dealer, or renter under Articles 4-2 and 6-3 is succeeded by another, the effect of administrative disposition under Article 45 (1) imposed on the previous manufacturer, dealer, or renter shall be succeeded by a transferee or successor until the day on which the period of such administrative disposition comes to an end, and if proceedings for such administrative disposition are in process, such proceedings may continue with respect to such transferee and successor: Provided, That where the transferee (excluding a person who succeeds the status by inheritance) did not have knowledge of the administrative disposition and the fact of violation at the time he succeeds the business, this shall not apply.

(2) Where the status of an explosives storage facility installer is succeeded by another pursuant to Article 25-2, paragraph (1) shall apply *mutatis mutandis* to the succession of the effect of administrative disposition imposed on the previous installer of the explosives storage facility. In such cases, "manufacturer or dealer" shall be construed as "installer of an explosives storage facility."

#### **Article 46 (Administrative Disposition on Persons, etc. Holding Permission to Possess Guns)**

(1) Where a person holding permission to possess (referring to a person specified as a person entitled to possession in cases under Article 12 (2) and to a person in charge of management in cases under paragraph (3) of the same Article) guns, gas sprayers, explosives, electroshock weapons, or crossbows, or an explosives user falls under any of the following, a permitting agency shall revoke the permission. In such cases, where a representative of a juristic person has obtained permission for possession under Article 12 (2), the permission for part of the numbers of permitted industrial guns, gas guns, gas sprayers, or electroshock weapons shall be revoked, as prescribed by Presidential Decree:

1. Where he/she becomes disqualified under Article 13 (1);
  2. Where he/she violates Article 17 (1), (2) or (4) (including a person deemed to have obtained permission for possession pursuant to the latter part of Article 12 (3));
  3. Where 30 days have passed since he/she made a report to a police agency that his/her guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows had been stolen or lost;
  4. Where he/she violates this Act or an order under this Act.
- (2) Where a permitting agency revokes permission pursuant to paragraph (1), it shall order the possessor to submit guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows (excluding cases where such are confiscated or delivered to the to the National Treasury according to a court judgment or prosecutor's decision) and temporarily keep them in custody in the relevant permitting agency.
- (3) A person whose guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows are temporarily kept in custody by a permitting agency pursuant to paragraph (2), or who submits them to a permitting agency due to unlawful possession or use, or other reasons shall, within six months, take steps to relinquish ownership, such as that he/she transfers or donates them to a third party who is lawfully entitled to possess and use them, discard them etc.
- (4) A person who has taken over or been donated guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows pursuant to paragraph (3), and has obtained permission for the possession thereof may request a permitting agency to release them, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*
- (5) Where a person who has an obligation to take steps of relinquishing ownership of guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows within six months pursuant to paragraph (3) fails to fulfill the obligation, or his/her whereabouts is unclear, a permitting agency may urge him/her to take such steps or publicly announce the handling of such guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows for a period prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*
- (6) Where continuous storage is difficult, such as that no request for release of guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows is made even after six months pass since the date the period specified in the reminder or public announcement of taking steps or handling them pursuant to paragraph (5) expires, they are likely to decompose or go bad after the elapse of the handling period, storage costs an excessive amount, etc., they may be put on sale: Provided, That where sale is impossible, or no one desires to purchase them, they may be discarded and disposed of.
- (7) Where a permitting agency sells guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows pursuant to paragraph (6), it shall return an amount obtained by deducting expenses needed for storage and sale from the proceeds from sale to the rightful person: Provided, That where the rightful person fails to make a request for return even after six months pass from the expiration of handling period, they shall be delivered to the National Treasury, as prescribed by Presidential Decree.

#### **Article 46-2 (Notification of Personal Information to Verify Grounds for Disqualification)**

(1) The head of an agency prescribed by Presidential Decree among agencies managing personal information by which verification of whether a person is disqualified, such as that he/she is mentally ill, etc., is achieved shall notify the Commissioner General of the National Police Agency of personal information relating to grounds for disqualification to issue disposition under Article 46 (1) 1.

(2) The contents of personal information to be notified to the Commissioner General of the National Police Agency pursuant to paragraph (1), notification methods and other matters necessary for notification of personal information shall be prescribed by Presidential Decree.

[Previous Article 46-2 Moved to Article 46-3 <by Act No. 13429, Jul. 24, 2015>]

#### **Article 46-3 (Hearings)**

Where a licensing agency or a permitting agency intends to issue disposition falling under any of following, it shall hold a hearing:

1. Revocation or suspension of a license of person in charge of security in manufacturing explosives or a license of person in charge of security in managing explosives under Article 30 (1);
2. Revocation of permission for a business of manufacturing or selling guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows under Article 45 or suspension of business thereof;
3. Revocation of permission to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows or to use explosives under Article 46 (1).

[Moved from Article 46-2] <by Act No. 13429, Jul. 24, 2015>

#### **Article 47 (Measures, etc. for Public Safety)**

(1) Where deemed necessary to prevent accidents or to maintain public safety, a permitting agency may issue or take the following orders or measures:

1. Revocation of permission to possess guns, gas sprayers, electroshock weapons, or crossbows, for the use, transfer or takeover of explosives, or restriction on the transportation of explosives;
2. Prohibition of use of the whole or part of facilities, or removal or supplementation of facilities, or corrective measures against manufacturers, dealers, renters, installers of explosives storage facilities or explosives users;
3. Temporary prohibition of or restriction on the manufacture, sale, giving and receiving, export and import, loading, transportation, storage, possession, use or discarding against manufacturers, dealers, renters, persons permitted to export or import or to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows, installers of explosives storage facilities, explosives users, or other handlers;
4. An order to change or discard an explosives storage facility to a possessor or occupier of explosives or an order for safe transportation of explosives to a person who intends to transport explosives;

5. An order for the safety and protection of facilities to a manufacturer, dealer, renter, or installer of an explosives storage facility.
- (2) Where deemed necessary to issue orders or to take measures under subparagraphs 1 through 3 of paragraph (1), a permitting agency may order to keep guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows in a place designated by the permitting agency. In such cases, necessary matters concerning those subject to storage, procedures for return and delivery, period of storage, etc. shall be prescribed by Presidential Decree.
- (3) A person who possesses guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows under this Act shall observe matters prescribed by Ordinance of the Ministry of the Interior and Safety concerning the transportation and handling of guns, etc. for the maintenance of public safety in addition to the orders or measures under paragraphs (1) and (2). *<Amended by Act No. 14839, Jul. 26, 2017>*
- (4) Where deemed necessary to prevent the occurrence of gun accidents, to prevent guns from being lost, to prevent disasters, or to maintain public safety, a permitting agency shall take necessary measures, such as issuing a warning, chasing or searching for lost guns, etc. *<Newly Inserted by Act No. 13429, Jul. 24, 2015>*

## CHAPTER VI GUNS AND EXPLOSIVES SAFETY TECHNOLOGY ASSOCIATION

### **Article 48 (Establishment of Guns and Explosives Safety Technology Association)**

- (1) In order to conduct research into and development of technologies for safety to prevent danger and accidents from guns, explosives, gas sprayers, electroshock weapons, and crossbows, education on the safety of guns, explosives, gas sprayers, electroshock weapons, and crossbows entrusted by administrative agencies and other duties, a Guns and Explosives Safety Technology Association (hereinafter referred to as "Association") shall be established.
- (2) The Association shall be a juristic person.
- (3) Matters necessary for the establishment and registration of the Association shall be prescribed by Presidential Decree.

### **Article 49 (Members)**

The manufacturers, dealers, and renters of guns, explosives, gas sprayers, electroshock weapons, or crossbows, or persons permitted to possess them (excluding persons permitted to possess gas sprayers, electroshock weapons, or crossbows), installers of explosives storage facilities, explosives users, persons with a license of person in charge of security in manufacturing explosives or a license of person in charge of security in managing explosives shall become members of the Association from the date he/she obtains permission or a license under this Act: Provided, That for persons who obtain temporary permission to export and import or to possess guns, for temporary explosives users, who are specified by the articles of association of the Association, this shall not apply.

## **Article 50 (Establishment of Chapters)**

The Association may establish chapters or branches as specified by the articles of association.

## **Article 51 (Articles of Association)**

(1) The articles of association shall include following matters:

1. Purpose;
2. Title;
3. Location of its principal office;
4. Matters concerning its business;
5. Matters concerning the board of directors;
6. Matters concerning the members, executives and employees;
7. Matters concerning the finance and accounting;
8. Matters concerning the public announcement;
9. Matters concerning the modification of the articles of association.

(2) The articles of association under paragraph (1) shall require approval from the Commissioner General of the National Police Agency. The same shall also apply to the modification of the articles of association.

## **Article 52 (Business)**

The Association shall perform following business:

1. Technological support and study and research on the safety of guns, explosives, gas sprayers, electroshock weapons, and crossbows;
2. Inspection of stability of guns, gas sprayers, electroshock weapons, and crossbows and stability test of explosives;
3. Research on and development and spread of technologies and facilities for the manufacture, transportation, use, storage, etc. of guns, explosives, gas sprayers, electroshock weapons, and crossbows;
4. Education and publicity on the thoughts of safety of guns, explosives, gas sprayers, electroshock weapons, and crossbows;
5. Education on the safety of and technologies on guns, explosives, gas sprayers, electroshock weapons, and crossbows;
6. Collection of data on guns, explosives, gas sprayers, electroshock weapons, and crossbows, and publication and spread of technological books, etc.;
7. Introduction of technologies on and international cooperation in the safety of guns, explosives, gas sprayers, electroshock weapons, and crossbows;
8. Technological advice on administrative services for safety of guns, explosives, gas sprayers, electroshock weapons, and crossbows;

9. Duties regarding the safety of guns, explosives, gas sprayers, electroshock weapons, and crossbows entrusted by the Commissioner General of the National Police Agency;
10. Other business necessary to achieve the purpose of the Association.

### **Article 53 (Executives)**

- (1) The Association shall have five or fewer directors including a president, and an auditor.
- (2) The president and the auditor shall be appointed and dismissed by the Commissioner General of the National Police Agency, and directors shall be appointed and dismissed by the president with the approval of the Commissioner General of the National Police Agency.
- (3) The term of office of the president, directors, and auditor shall be two years.

### **Article 54 (Duties of Executives)**

- (1) The president shall represent the Association, and take charge of the affairs of the Association.
- (2) The auditor shall audit and inspect the accounting and affairs of the Association.

### **Article 55 (Grounds for Disqualification of Executives)**

None of the following persons shall become an executive of the Association:

1. A person placed under adult guardianship or under limited guardianship;
2. A person who is not reinstated after having been declared bankrupt;
3. A person for whom three years have not passed since the execution of a penalty is completed or a penalty is determined not to be executed after he/she was sentenced to imprisonment without prison labor or heavier punishment;
4. A person for whom one year has not passed since a stay of execution terminated after he/she had been sentenced to imprisonment without prison labor or heavier punishment with a stay of execution;
5. A person who is in the period of probation after a court suspended a sentence of imprisonment without prison labor or heavier punishment;
6. A person who is disqualified or whose qualification is suspended by Acts or court judgment.

### **Article 56 (Board of Directors)**

- (1) In order to make decisions on important matters of the Association, the Association shall have a board of directors.
- (2) The board of directors shall consist of directors, including a president.
- (3) The president shall call meetings of the board of directors, and preside over the meetings.
- (4) The board of directors shall make resolutions with the attendance of a majority of directors on the register, and with a majority approval of the directors present.
- (5) The auditor may attend the meetings of the board of directors and express his/her opinions.

#### **Article 57 (Employees)**

The employees of the Association shall be appointed and dismissed by the president as specified by the articles of association.

#### **Article 58 (Finance)**

(1) Expenses needed for the operation and business of the Association shall be covered by following sources: *<Amended by Act No. 14839, Jul. 26, 2017>*

1. Subsidies from the Government and local governments;
2. Fees for safety inspection of guns, stability test of explosives, education, etc. prescribed by Ordinance of the Ministry of the Interior and Safety;
3. Membership fees from members prescribed by Presidential Decree.

(2) The method and rate of bearing the membership fees under paragraph (1) 3, and other matters necessary for the membership fees shall be prescribed by Presidential Decree.

#### **Article 59 (Approval, etc. for Business Plans)**

(1) The fiscal year of the Association shall follow that of the Government.

(2) The Association shall prepare in advance a business plan for each fiscal year and obtain approval from the Commissioner General of the National Police Agency. The same shall also apply to the modification thereof.

#### **Article 60 (Submission of Statement of Accounts)**

The Association shall prepare a settlement of accounts on revenue and expenditure for each fiscal year, and submit it to the Commissioner General of the National Police Agency after an audit by a certified public accountant designated by the Commissioner General of the National Police Agency by not later than the end of February of the following year.

#### **Article 61 (Supervision)**

The Commissioner General of the National Police Agency shall supervise the Association, and may issue orders necessary to achieve the purpose of establishment of the Association.

#### **Article 62 (Application Mutatis Mutandis of the Civil Act)**

Except as prescribed by this Act, the provisions of the Civil Act concerning incorporated foundations shall apply mutatis mutandis to the Association.

## **CHAPTER VII SUPPLEMENTARY PROVISIONS**

### **Article 63 (Keeping of Books and Entry Therein)**

(1) A manufacturer, dealer, renter, or installer of an explosives storage facility or explosives user shall prepare and keep books and enter necessary matters therein as prescribed by Presidential Decree.

*<Amended by Act No. 13429, Jul. 24, 2015>*

(2) A person permitted to possess a gun shall keep a book and enter necessary matters therein, and produce it if relevant public official makes a request. *<Newly Inserted by Act No. 13429, Jul. 24, 2015>*

### **Article 64 (Signboards, etc.)**

A manufacturer, dealer, renter, or installer of an explosives storage facility shall put up a signboard or other marks indicating his/her trade at each factory, store, renter's office, or storage facility.

### **Article 65 (Permit, etc.)**

(1) Where a permitting agency or licensing agency grants permission or a license under this Act, it shall deliver a permit or license as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) Where permission or a license of a person who is issued a permit or license under paragraph (1) is revoked, or he/she is imposed disposition of suspension of business, suspension of use or suspension of effect of license, he/she shall immediately return the permit or license to the permitting agency or licensing agency, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(3) Where a matter stated in a permit or license is changed, a person who is issued the permit or license under paragraph (1) shall report it to a permitting agency or licensing agency, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(4) Where a permit or license is lost or is worn out and unusable, the holder may report such fact to a permitting agency or licensing agency, and be issued a new one, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

### **Article 66 (Report, etc. on Closure or Suspension of Business)**

In any of the following, a report shall be made to a permitting agency, as prescribed by Ordinance of the Ministry of the Interior and Safety: *<Amended by Act No. 14839, Jul. 26, 2017>*

1. Where a manufacturer, dealer or renter suspends the whole or part of business for a period of one year or less;
2. Where a manufacturer, dealer or renter closes the whole or part of business;
3. Where an installer of an explosives storage facility repeals the use of the storage facility.



### **Article 67 (Fees)**

(1) Any person who intends to obtain permission or a license under this Act, or to have a permit or license reissued shall pay fees, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) Among the fees under paragraph (1), fees paid where the commissioner of a local police agency or the chief of a police station grants permission or a license, or reissues a permit or license shall become the revenue of the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province.

### **Article 68 (Delegation of Authority)**

@Part of the authority under this Act of the Commissioner General of the National Police Agency or the commissioner of a local police agency may be delegated to the commissioners of local police agencies or the chiefs of police stations, as prescribed by Presidential Decree.

### **Article 69 (Identification Plates and Provision of Information)**

(1) Gun manufacturers shall manufacture guns in a way by which identification plates are maintained, and provide the Commissioner General of the National Police Agency with information on identification plates, as prescribed by Ordinance of the Ministry of the Interior and Safety. *<Amended by Act No. 14839, Jul. 26, 2017>*

(2) The Commissioner General of the National Police Agency shall collect information on the following matters and keep it for 30 years:

1. Information on identification plates;
2. Date of issue and expiration date of permission or approval for international transactions of guns or explosives, exporting countries, importing countries, countries where guns or explosives stop over during transportation, final receivers, and exact quantity.

## **CHAPTER VIII PENALTY PROVISIONS**

### **Article 70 (Penalty Provisions)**

(1) Any of the following persons shall be punished by imprisonment with labor for not more than ten years, or by a fine not exceeding twenty million won:

1. A person who sells or illegally distributes guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows within the country without applying the standards for structure and performance under Article 3 (4), which are manufactured for the purpose of export;
2. A person who violates the provisions of Article 4 (1) and (3) (limited to guns and explosives), Article 6 (1) (limited to guns and explosives), paragraph (2) (limited to guns and explosives), Article 9 (1) or Article 12 (1) (limited to guns and explosives) and (2) (limited to industrial guns and gas guns).

- (2) The punishment of a person who repeatedly violates Article 4 (1) or (3), 6 (1) or (2), or 9 (1) concerning guns shall increase by 1/2 of the punishment prescribed in paragraph (1) 2.
- (3) A person who has attempted an offense under paragraph (1) shall be punished.

#### **Article 71 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding ten million won: <Amended by Act No. 13429, Jul. 24, 2015>

1. A person who violates the provisions of Article 4 (2) or (3) (limited to swords, gas sprayers, electroshock weapons, and crossbows), 6 (1) (limited to swords, gas sprayers, electroshock weapons, or crossbows) or (2) (limited to swords, gas sprayers, electroshock weapons, or crossbows), 6-2 (1) or (2), 9 (2), or 12 (1) (limited to swords, gas sprayers, electroshock weapons, or crossbows) or (2) (limited to gas sprayers and electroshock, weapons);
- 1-2. A person who fails to store guns and cartridges or blank cartridges in a designated place under Article 14-2 (1);
2. A person who violates the provisions of Article 18 (1) or (2);
3. A person who violates the provisions of Article 21 (1), (3), (4) or (5);
4. A person who neglects supervisory duties for safety, in violation of the provisions of Article 31 (1);
5. A person who violates an order of suspension of business or an order of suspension of use under the proviso to Article 45 (1) or under paragraph (2) of the same Article;
6. A person who violates an order or measures under Article 47 (1), or violates an order of safekeeping under paragraph (2) of the same Article;
7. A person who manufactures guns or fails to provide information on identification plates, in violation of Article 69 (1);
8. A person who fakes identification plates, or illegally deletes, destroys, or changes identification plates.

#### **Article 72 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding seven million won:

1. A person who violates the provisions of Article 8, 19, 24 (1) or (2), 25 (1) or (5), or 27 (1), 32 (1), 34 (1) or (2), 36, 38 (1) or (4), 40 (1), or 43;
2. A person who fails to comply with technological standards or instructions under Article 18 (4) or 26 (4);
3. A person who violates an order under Article 27 (3) or 32 (3);
4. A person who violates the provisions of Article 41 or 42 (7);
5. A manufacturer, importer, or dealer of guns, gas sprayers, electroshock weapon, or crossbows who violates the provisions of Article 42 (1) or (5);

6. A person who refuses, evades, or obstructs access or inspection under Article 44 (1), or who makes a false statement;
7. A person who has obtained permission or a license under this Act by deceit or other fraudulent means.

### **Article 73 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding five million won:

1. A person who violates the provisions of Article 4-2 (3) (including cases where this provision applies mutatis mutandis pursuant to Article 6-3 and 25-2), 11 (1), 17 (2) or (4), 31 (2), or 37 (1) or (2);
- 1-2. A person who posts or distributes information on the methods and design drawings of manufacturing guns and explosives, etc. on an information and communications network, such as a website, etc., in violation of Article 8-2;
2. A person who discards and disposes of explosives, in violation of the technological standards under Article 20 (3);
3. A person who violates the provisions of Article 23;
4. A person who fails to report under Article 26 (1), or who makes a false report.

### **Article 74 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding three million won:

1. A person who fails to report under Article 9 (5), 11 (2), 20 (1), 27 (2), 35, or 66, or who makes a false report;
2. A person who violates the provisions of Article 17 (1) or (3), 32 (4), 33, 39 (1) or (3), 63, 64, or 65 (2);
3. A person who disobeys an order issued under Article 20 (2) or 39 (4);
4. A person who fails to carry with him/her a certificate of report of transportation of explosives, in violation of Article 26 (3);
5. A person who fails to report under Article 32 (2), 40 (2), or 44 (3), or who makes a false report;
6. A person who violates the matters to be obeyed as prescribed in Article 47 (3).

(2) An administrative fine under paragraph (1) shall be imposed and collected by the Commissioner General of the National Police Agency, the commissioner of a local police agency or the chief of a police station, as prescribed by Presidential Decree.

### **Article 75 (Concurrent Imposition of Penalties)**

Both imprisonment with labor and a fine may be concurrently imposed when determining punishment under Articles 70 through 73.

## **Article 76 (Joint Penalty Provisions)**

Where the representative of a juristic person, or the agent, servant or employee of a juristic person or individual commits a violation of any provision of Articles 70 through 73 concerning the duties of the juristic person or individual, the juristic person or individual shall also be punished by a fine under the relevant provisions in addition to punishment of the violator: Provided, That where the juristic person or individual has not neglected to pay due care and supervision with regard to relevant duties to prevent such violation, this shall not apply.

## **ADDENDA**

### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

### **Article 2 (Transitional Measures concerning Previous Permission etc.)**

A person who has obtained permission or a license, or made a report pursuant to the previous provisions before this Act enters into force shall be deemed to have obtained permission or a license, or made a report pursuant to this Act.

### **Article 3 (Transitional Measures concerning Report on Making of Imitation Guns for Export)**

A person who makes imitation guns for the purpose of export at the time this Act enters into force shall report to the chief of a police station having jurisdiction over the location of his/her factory within three months from the date Ordinance of the Ministry of Home Affairs under Article 11 (2) enters into force.

### **Article 4 (Transitional Measures Concerning Previous Disposition, etc.)**

An order, measure or disposition that is issued or taken pursuant to previous provisions before this Act enters into force and is not against this Act shall be deemed to have been issued or taken pursuant to this Act.

### **Article 5 (Relations with other Acts and Subordinate Statutes)**

Where provisions of the previous Act on the Safety Management of Guns, Swords, Explosives, Etc. are cited by other Acts and subordinate statutes and this Act includes provisions corresponding thereto, such corresponding provisions in this Act shall be deemed to have been cited in lieu of the previous provisions.

## **ADDENDUM <Act No. 3876, Dec. 31, 1986>**

This Act shall enter into force six months after the date of its promulgation.

## **ADDENDA <Act No. 4154, Dec. 30, 1989>**

#### **Article 1 (Enforcement Date)**

This Act shall enter into force on March 1, 1990.

#### **Article 2 (Transitional Measures concerning Possession of Gas Sprayers or Electroshock Weapons)**

A person who possesses a gas sprayer or electroshock weapon at the time this Act enters into force and intends to continue to possess it three months after the date this Act enters into force shall obtain permission for possession within three months from the chief of a police station having jurisdiction over his/her address.

#### **Article 3 (Transitional Measures concerning License of Person in Charge of Security in Manufacture of Explosives)**

A person who has obtained a license of person in charge of security in manufacturing explosives from the Minister of Home Affairs pursuant to previous provisions before this Act enters into force shall be deemed to have obtained a license of person in charge of security in manufacturing explosives from a Mayor/Do Governor.

#### **Article 4 (Transitional Measures concerning Danger Prevention Rules and In-House Safety Education Plans)**

The manufacturers of swords at the time this Act enters into force shall submit danger prevention rules and in-house safety education plans to a Mayor/Do Governor and obtain approval therefrom, and the manufacturers of guns at the time this Act enters into force in-house shall submit safety education plans to a Mayor/Do Governor and obtain approval therefrom, respectively, within three months from the date this Act enters into force.

#### **Article 5 (Transitional Measures concerning Inspection on Completion)**

The facilities or equipment of a store that has obtained permission to sell guns, swords or explosives before this Act enters into force shall be deemed to have undergone the inspection on completion under Article 43.

ADDENDA <Act No. 4369, May 31, 1991>

#### **Article 1 (Enforcement Date)**

This Act shall enter into force sixty days after the date of its promulgation.

#### **Articles 2 through 6 Omitted.**

ADDENDA <Act No. 4989, Dec. 6, 1995>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures toward Possessors of Gas Guns) A person who possesses a gas gun at the time this Act enters into force shall obtain permission for possession under Article 12 from the chief of a police station having jurisdiction over his/her address within three months from the date this Act enters into force.

- (3) (Transitional Measures toward Possessors of Crossbows) A person who possesses a crossbow at the time this Act enters into force shall obtain permission for possession under Article 12 from the chief of a police station having jurisdiction over his/her address within three months from the date this Act enters into force.
- (4) (Transitional Measures concerning Application of Penal Provisions) Previous penal provisions shall apply to illegal acts committed before this Act enters into force.

ADDENDA <Act No. 5201, Dec. 30, 1996>

- (1) (Enforcement Date) This Act shall enter into force three months after its promulgation.
- (2) (Transitional Measures concerning Term of Office of President and Directors of Association) Previous provisions shall apply to the term of office of the president and directors at the time this Act enters into force.

ADDENDA <Act No. 5453, Dec. 13, 1997>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

**Article 2 Omitted.**

ADDENDUM <Act No. 5938, Mar. 31, 1999>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 6386, Jan. 26, 2001>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- (2) (Transitional Measures on Toy Fireworks) A person who keeps toy fireworks to be stored pursuant to Article 24 at the time this Act enters into force shall store them in an explosives storage facility under Articles 24 and 25 within six months from the date this Act enters into force.
- (3) (Transitional Measures on Disposition, etc.) Acts, such as permission granted by the commissioner of a local police agency under previous provisions at the time this Act enters into force, etc., or acts toward the commissioner of a local police agency shall be regarded as acts by the chief of a police station or acts toward the chief of a police station, respectively.

ADDENDA <Act No. 6948, Jul. 29, 2003>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measure concerning Permission to Possess Guns) A person who is in possession of parts corresponding to a gun under the amended provisions of Article 2 (1) at the time this Act enters into force shall obtain permission to possess such parts according to the provisions of Article 12 (1) within three months from the date this Act enters into force: Provided, That where an attachment to a gun of a person, who has obtained approval for attachment to his/her gun from a permitting agency under the previous provisions of Article 17 (5) before this Act enters into force, corresponds to a gun under the amended provisions of Article 2 (1), he/she shall be deemed to have obtained permission to possess a gun under Article 12 (1).

(3) (Transitional Measures concerning Grounds for Disqualification) Previous provisions shall apply to grounds for disqualification of a person who has obtained permission to possess a gun, sword, explosives, gas sprayer, electroshock weapon, or crossbow, and to grounds for disqualification of a person who has obtained a license of person in charge of security in manufacturing explosives or security in managing explosives pursuant to previous provisions at the time this Act enters into force, notwithstanding the amended provisions of Article 13 (1) 3, 4 and 5, and Article 29 (1) 4.

ADDENDA <Act No. 7428, Mar. 31, 2005>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 7849, Feb. 21, 2006>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2006. (Proviso Omitted.)

**Articles 2 through 41 Omitted.**

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 9211, Dec. 26, 2008>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 10219, Mar. 31, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2011.

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 12844, Nov. 19, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended parts of Acts, from among Acts amended pursuant to Article 6 of Addenda, that were promulgated before this Act enters into force but of which enforcement date has not yet arrived shall enter into force on the date respective Acts enter into force.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 12960, Jan. 6, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Article 2 (Applicability concerning Restriction on Export and Import of Guns without Identification Plates)**

The amended provisions of Article 9 shall begin to apply to the portion of which export or import is permitted for the first time after this Act enters into force.

**Article 3 (Transitional Measures concerning Incompetent Persons, etc.)**

Notwithstanding the amended provisions of subparagraph 5 of Article 5 and subparagraph 1 of Article 55, previous provisions shall apply to a person on whom the declaration of incompetency or quasi-incompetency remains effective pursuant to Article 2 of Addenda of the Civil Act as amended partially by Act No. 10429.



**Article 4 (Transitional Measures concerning Permission to Possess Guns, etc. as Theatrical Property)**

The permission to possess guns, swords, gas sprayers, electroshock weapons, or crossbows being possessed to use as a theatrical property for a movie, drama, etc. at the time this Act enters into force shall be deemed to have been obtained pursuant to the amended provisions of Article 12 (3) until such reasons cease to exist.

**Article 5 Omitted.****Article 6 (Relationship with other Acts)**

Where the previous Act on the Safety Management of Guns, Swords, Explosives, Etc. or provisions thereof are cited by other Acts at the time this Act enters into force, this Act or relevant provisions thereof shall be deemed to have been cited.

ADDENDA <Act No. 13215, Mar. 11, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 22 of the Act on the Safety Management of Guns, Swords, Explosives, Etc. as amended partially by Act No. 12960 shall enter into force on January 7, 2016.

**Article 2 (Exceptions to Existing Persons with Permission, etc.)**

The day on which a person who obtained previous permission to possess a gun (limited to a hunting rifle or air gun) or obtained a license under Article 28 before this Act enters into force has to receive education pursuant to the amended provisions of Article 22 (5) shall be counted from the day on which he/she renews permission for possession or a license under Article 28: Provided, That for a person permitted to possess a crossbow, counting shall begin from the date on which this Act enters into force.

ADDENDA <Act No. 13425, Jul. 24, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 13429, Jul. 24, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force on November 2, 2015: Provided, That the provisions of the Act on the Safety Management of Guns, Swords, Explosives, Etc. as amended partially by Act No. 12960 shall enter into force on January 7, 2016.

## **Article 2 (Applicability concerning Grounds for Disqualification)**

The amended provisions of Article 13 (1) shall begin to apply to an application for permission for possession or an application for renewal of permission to possess guns, swords, explosives, gas sprayers, electroshock weapons, or crossbows, and to an application for a license or an application for renewal of a license of person in charge of security in manufacturing explosives and a license of person in charge of security in managing explosives, which is filed for the first time after this Act enters into force: Provided, That the amended provisions of Article 13 (1) of the Act on the Safety Management of Guns, Swords, Explosives, Etc. as amended partially by Act No. 12960 shall begin to apply to an application for permission for possession or an application for renewal of permission to possess guns, swords, explosives, gas sprayers, electroshock weapons or crossbows, and to an application for a license or an application for renewal of a license of person in charge of security in manufacturing explosives and person in charge of security in managing explosives, which is filed for the first time after the Act on the Safety Management of Guns, Swords, Explosives, Etc. as amended partially by Act No. 12960 enters into force.

## **Article 3 (Transitional Measures concerning Storage of Guns)**

(1) Pursuant to the amended provisions of Article 14-2, a person who is permitted to possess a gun pursuant to Article 12 or 14 at the time this Act enters into force shall store the gun and cartridges or blank cartridges in a place designated by a permitting agency within one month from the date this Act enters into force.

(2) Pursuant to paragraph (1), a permitting agency may revoke permission to possess a gun of a person who fails to store his/her gun and cartridges or blank cartridges in a place designated by the permitting agency.

## **Article 4 (Transitional Measures concerning Renewal of Permission to Possess Guns)**

Notwithstanding the amended provisions of Article 16 (1), previous provisions shall apply to the period during which a person who has obtained permission to possess a gun or obtained renewal of permission to possess a gun before this Act enters into force is required to obtain renewed permission to possess a gun.

ADDENDA <Act No. 14476, Dec. 27, 2016>

## **Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

## **Articles 2 through 5 Omitted.**

ADDENDUM <Act No. 14621, Mar. 21, 2017>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 14839, Jul. 26, 2017>

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation: Provided, That any Act amended by Article 5 of this Addenda, which was promulgated before this Act enters into force but the enforcement date of which has yet to arrive, shall enter into force on the enforcement date of each relevant Act.

**Articles 2 through 6 Omitted.**

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